

AF 1122
JCH



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Before the Board
Stephen T. Garelli) of Appeals
Serial Number 10/051,200)
Filed: January 17, 2002) Cover Letter
Title: METHOD AND MOLD FOR)
MOLDING FLEXIBLE)
POLYMERIC ENVELOPES)
Attorney Docket: MSH - 206) December 22, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Enclosed is a Brief in support of the appeal in the above-identified matter. The Commissioner is authorized to charge Deposit Charge Account 13-2492 the sum of \$250.00 for the Brief fee.

Appellant is a small entity.

Respectfully submitted,

Robert L. McKellar
Robert L. McKellar



Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On: December 23, 2005


Signature

Molly Leins

Typed or printed name of person signing Certificate

989-631-4551

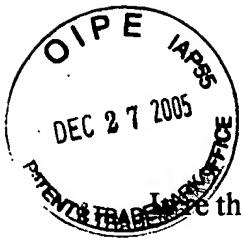
Registration Number, if applicable

Telephone Number

For USSN 10/051,200 in the name of Garelli, entitled: METHOD AND MOLD FOR MOLDING FLEXIBLE POLYMERIC ENVELOPES, Brief on Appeal 5pgs., coverletter, 4pgs. claims/evidence appendix, return receipt postcard.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

File the Application of:) Before the Board
Stephen T. Garelli) of Appeals
Serial Number 10/051,200)
Filed: January 17, 2002) Brief for the Appellant
Title: METHOD AND MOLD FOR)
MOLDING FLEXIBLE)
POLYMERIC ENVELOPES)
Attorney Docket: MSH – 206) December 22, 2005

BRIEF ON APPEAL

This is an appeal from the Office Action mailed July 26, 2005 rejecting claim 8. A Notice of Appeal was timely filed on October 26, 2005 accompanied by the fee payment.

Authorization for the Commissioner to charge Deposit Charge Account 13-2492 for the Appeal Brief of \$250.00 is hereby granted. Appellant is a small entity, the verification therefor being filed with the original application.

(C)(1)(i) REAL PARTY IN INTEREST

The inventor herein and the assignee, Speciality Silicone Fabricators, are the real parties in interest of the application being considered in this appeal.

(C)(1)(ii) RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present one which are likely to directly affect or be directly affected by the Board's decision in the pending appeal.

C)(1)(iii) STATUS OF THE CLAIMS

Claim 8 is the only claim in the application and the only claim on appeal. Claims 1 to 7 stand withdrawn from consideration.

(C)(1)(iv) STATUS OF AMENDMENTS

Claim 8 has not been amended after this rejection by the Examiner.

(C)(1)(v) SUMMARY OF CLAIMED SUBJECT MATTER

A method of molding, the method comprising
providing a molding machine containing a mold wherein the
mold 1, (Figures 1, 2 and 9, specification, page 4, line 7);
an upper mold segment 3, (Figures 1, 2 and 9, specification, page 4, lines 8, 20,
21, 22, 24, 26, and 27; page 5, lines 24, 25, and 26);
upper surface 4 of upper mold segment 3, (Figures 1, 2, and 9, specification, page
4, lines 8 and 27);
lower mold segment 5, (Figures 1, 2 and 9, specification, page 4, lines 8, 20, 21,
and 25, page 5, lines 23, 25 and 26);
bottom surface 6 of lower mold segment 5, (Figures 1, 2, and 9, specification,
page 4, lines 9 and 25);
moveable core 7, (Figures 1, 2, 3, 4, 5, 6, 7, 8, and 9, specification, page 4, line 9,
page 5, lines 8, 21, 24, and 25, page 6, lines 2, 3, and 7, page 7, lines 7, 11, 16, 20, 21, 23,
24, 25, and 27, page 8, line 2);
top surface 8 of moveable core 7, (Figures 1, 2, and 9, specification, page 4, line
9, page 7, lines 16 and 21);
bottom surface 9 of moveable core 7, (Figures 1, 2, and 9, specification, page 4,
line 9);
centered opening 10, (Figures 1 and 2, specification, page 4, lines 10 and 11,);
confronting flat surfaces 21 and 21' of mold segments 3 and 5, (Figure 2,
specification, page 4, line 19, page 5, line 17);
concavities 22 and 22', (Figure 2, specification, page 4, lines 20 and 21, page 5,
line 9);
centered openings 23 and 23' in concavities 22 and 22', (Figures 1 and 2,
specification, page 4, lines 23 and 25, page 5, lines 6 and 15, page 8, lines 3, 4, and 6);
stem 13, (Figures 1, and 2, specification, page 4, lines 11 and 16, page 5, line 5);
stem opening 16 in stem 13 (Figures 1 and 2, specification, page 4, line 16, page
5, line 29);
air valve 18, (Figure 2, specification, page 4, line 16, page 5, lines 19 and 30,
page 7, line 8)

clamping force, (specification, page 3, lines 8 and 12, page 5, lines 17 and 22);
injecting liquid moldable material, (specification, page 3, line 8, page 5, line 20);
allowing the liquid moldable material to become a solid molded product,
(specification, page 3, line 11, page 5, line 21);
solid molded product (specification, page 3, lines 11, 12, 17, 18, and 19);
removing the clamping force (specification, page 3, line 12, page 5, line 22);
injecting gas into the centered opening in the stem (specification page 3, lines 15,
17 and 18, page 5, line 28);
solid molded product is released from the core (specification, page 3, line 18,
page 6, lines 6 and 7).

(C)(1)(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Rejection of claim 8 under 35 U.S.C. §103(a)

Claim 8 has been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Cole, U.S. patent 4,541,795 in view of Alieri, U.S. 5,786,079 stating that Cole teaches all of the steps of the method but fails to disclose the material being inflated by the gas and that Alieri teaches that the inflation of the product aids in ejection of the product.

(C)(1)(vii) ARGUMENTS

Rejection of claim 8 under 35 U.S.C. §103(a)

Claim 8 has been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Cole, U.S. patent 4,541,795 in view of Alieri, U.S. 5,786,079 stating that Cole teaches all of the steps of the method but fails to disclose the material being inflated by the gas and that Alieri teaches that the inflation of the product aids in ejection of the product.

Appellant has reviewed the Office Action, the references and the instant specification and claim and disagrees with the basis for the rejection of the instant claim. The Appellant takes the position that the Examiner is incorrect in his interpretation of the cited references and what they actually teach one skilled in the art.

On page 4 of the office action, under (VI), with regard to what Cole teaches, the examiner states that "...thereafter, injecting gas into the centered opening in the stem, thereby opening the gas valve in the near end of the centered opening in the core, and allowing the solid molded product to be inflated by the injected gas until the solid molded product is released from the core and thereafter,...".

This recitation by the Examiner is a totally incorrect reading of the Cole reference. Cole does not teach inflation of the solid molded product! Cole teaches a dual approach to removal of the solid molded product from the Cole mold. First of all, the mold taught by Cole is not a simple matter of a top molding segment and a bottom molding segment as set forth in the instant claim 8. That mold is specifically manufactured with several removal segments and has in fact an upper mold segment and a lower mold segment, but it also has a middle mold segment, which the mold of the instant invention does not have. The purpose of the middle mold segment is to facilitate the removal of the complex solid molded product of Cole. See for example, Column 6, line 60 et seq. bridging over to column 7, line 5 in which Cole describes that the injection molding machine of his invention comprises a series of mold plates which are movable and which carry the various parts of the mold means forming the mold cavity. The various cavity forming parts or segments may be separated in a desired sequence after molding of the device (closure device) to enable the device to be removed from the molding machine. The duality of the Cole removal process is set forth at column 9, lines 52 to 63 in which there is disclosed the use of air pressure to move the closure device from the mold. But, it does not include inflating the closure device and does not include any requirement that the solid product be forced over a core mold through a small opening as in the instant claim 8 (See instant claim 8, part (VI) "...allowing the solid molded product to be inflated by the injected gas until the solid molded product is released from the core..."). It is just a means of blowing the solid product out of the mold after the mold plates have been removed. Thus, the Examiner has grossly mischaracterized the use of the air removal process used by Cole.

Turning to Alieri, the applicant notes that column 6, lines 39 et seq. of Alieri deal with the embodiment of the apparatus that deals with the use of compressed air to remove plastic caps from a mold. After disclosing a complicated mold, the patentee states at

column 6, lines 56 and 57 that the compressed air inflates the cap and partially spaces the thread C from the portion 9, reducing the resistance of the cap to expulsion during the subsequent descent of the ring 46. The use of the word "inflates" if taken in context cannot mean the expansion of the cap per se, as the cap has no capability to hold air such that it can expand or inflate. This word "inflates" when taken in context at column 6, lines 39 et seq., then means that the cap is driven from the mold by the compressed air. Evidence put forth by the patentee of this issue is that the patentee maintains that the outlet 77, that delivers the compressed air to the cap and the mold, is situated such that the delivery of the air is to the mold between the outside of the cap and the inside of the mold per se. In other words, the compressed air blows and loosens the cap for the eventual removal by the ring 46, which is a mechanical removal.

Thus, Alieri does not support Cole and contrary to what the Examiner states, Alieri does not teach or suggest that the removal of solid products by forcing them over core molds through small openings using compressed air.

The Examiner does not have a fair basis for the rejection of this claim, as the instant process is not obvious from either of the references, or any combination of the references.

For the reasons set forth above, the Appellant respectfully requests the Board to reverse the Examiner.

Respectfully submitted,



Robert L. McKellar
Reg. No. 26,002
(989) 631-4551

(C)(1)(viii) CLAIMS APPENDIX

8. A method of molding, the method comprising:
 - (I) providing a molding machine containing a mold, wherein the mold comprises:
 - (A) an upper mold segment having an upper surface;
 - (B) a lower mold segment having a bottom surface, and
 - (C) a moveable core having a top surface, a bottom surface and a centered opening therethrough, said opening having a near end and a distal end; wherein each mold segment has a confronting flat surface, each mold segment being capable of mating with the other mold segment at their respective confronting flat surfaces; there being located in the confronting flat surface of each segment, a concavity, each concavity having an opening centered in said concavity; the opening in the concavity of the lower mold segment running through the lower mold segment and exiting through the bottom surface of the lower mold segment; the opening in the concavity of the upper mold segment running through the upper mold segment and exiting through the upper surface of the upper mold segment; the moveable core having an outside configuration essentially identical to the concavities when the mold segments are mated with each other, the core having integrally attached to the bottom thereof, a stem, said stem being slidably mounted in the opening in the concavity of the lower mold segment and extending beyond the bottom surface of the lower mold segment, said stem having centered therethrough, an opening; the centered opening in the core having an air valve located in and near the near end thereof, said centered opening in the core and said centered opening in the stem being interconnected to allow the intermittent passage of gas therethrough, there being a space created between the outside configuration of the core and the concavities

when the mold segments are mated;

- (II) providing a clamping force on the mold;
- (III) injecting liquid moldable material into the upper mold segment via the upper mold segment opening and allowing the liquid moldable material to fill the space created between the outside configuration of the core and the concavities;
- (IV) allowing the liquid moldable material to become a solid molded product;
- (V) removing the clamping force on the mold and separating the upper mold segment and the lower mold segment and thereafter, moving the core from the lower mold segment;
- (VI) thereafter, injecting gas into the centered opening in the stem, thereby opening the gas valve in the near end of the centered opening in the core, and allowing the solid molded product to be inflated by the injected gas until the solid molded product is released from the core and thereafter, removing the solid molded product from the mold.

(C)(1)(ix) EVIDENCE APPENDIX
(not applicable)

(C)(1)(x) RELATED PROCEEDINGS APPENDIX
(not applicable)